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CARDIN INTRODUCES LEGISLATION TO IMPROVE AND MODERNIZE U.S. ESPIONAGE STATUTES

100-Year-Old Legislation must be Updated to Match New Technology

Washington - U.S. Senator Benjamin L. Cardin (D-MD), Chairman of the Senate Judiciary's Terrorism and Homeland Security Subcommittee, this week introduced legislation to improve and modernize the espionage statutes. S.4051, the Espionage Statutes Modernization Act, is a narrowly tailored and balanced bill that will enable the government to properly prosecute present-day espionage cases while protecting First Amendment rights and whistleblower protections.

"The current statutory framework for U.S. espionage statutes, which is nearly 100 years old, is out of date. Physical blueprints, photographs, maps, and other documents have been transformed by technological advances in information gathering and dissemination, especially email, the web, and simple flash drives. For the sake of our national security, our laws need to keep pace," **said Senator Cardin**.

The legislation that Senator Cardin introduced updates the espionage statutes by including the modern definitions of "classified information," "national security," and "foreign power." In addition, the legislation would add a new offense which is aimed at deterring government officers, employees, contractors and consultants from knowingly and intentionally making unauthorized disclosures of classified information that violate classified information non-disclosure agreements. It also promotes whistleblower protection statutes and regulations as mechanisms for reporting unlawful and improper government conducts, and explicitly protects First Amendment rights.

"This legislation will begin the careful and deliberative process the Congress needs to engage in to ensure that we maintain the proper balance between protecting the national security and not infringing protected First Amendment activities," Senator Cardin said.

On May 12, 2010, Senator Cardin chaired a Terrorism Subcommittee hearing which was entitled "*The Espionage Statutes: A Look Back and a Look Forward*." The hearing included witnesses from academia as well as former officials from the intelligence and law enforcement communities, and focused on how the statutes have been used over the years, the problems that have developed, and the policy and legal factors that the Congress should consider if it decided to modify the statutes. Witness testimony from these hearings [can be found here](#).

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